

PRIORITY

(Security Classification)

FOREIGN SERVICE DESPATCH

712.022 / 1002R  
10-559

FROM : Am Embassy, Mexico, D.F.

386  
DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON.

October 5, 1959.  
DATE  
4248646

REF : Section D - Item X-B-2.

GE-1 ULS-1 2V-4 UFW-2

For Dept. Use Only	ACTION ARR-4	DEPT. RM/R-2
	REC'D 10/8	OTHER RC-8 E-7 (CA-1/ L-2

SUBJECT: Mexico Proposes Constitutional Amendment Regarding National Territory.  
C/A-10 IN-7 COM-10 FAA-5 CAB-6  
NASA-1 ARMY-4 NAVY-3 AIR-1 OSD-4

According to the Mexico City press President Lopez Mateos of Mexico submitted on October 1, 1959, proposed constitutional changes to the Congress covering Mexican territorial claims. In his annual address to Congress on September 1, 1959 the President stated that the first United Nations Congress on the Law of the Sea decided him on the advisability of amending Constitutional Articles 27, 42 and 48 for the purpose of claiming the continental shelf for the nation and to leave no doubt as to Mexican sovereignty over the interior waters, the territorial sea and aerial space. The proposed amendment (Appendix A) would accomplish these purposes.

The proposed amendment modifies the present Constitution as follows:

- 1.- Paragraph 4 of Article 27 is changed only to the extent of adding "all the natural resources of the continental shelf and the submarine platforms of the islands."
- 2.- Paragraph 5 of Article 27 is changed by adding, "the interior maritime waters."
- 3.- Article 42 is changed to include:
  - a.- Reefs and keys.
  - b.- The continental shelf and the submarine platforms of the islands.
  - c.- The waters of the territorial seas, to the extent and within the limits fixed by International Law, and the interior maritime waters.
  - d.- The national air space.
- 4.- Article 48 is changed by adding:
  - a.- Keys and reefs.
  - b.- The continental shelf.
  - c.- The submarine platforms of the islands, keys and reefs.
  - d.- The territorial seas.
  - e.- The interior maritime waters.
  - f.- The national air space.

Milton J. Lindner/ibg.  
REPORTER

UNCLASSIFIED

INFORMATION COPY

Retain in divisional files or destroy in accordance with security regulations.

(Classification)

ENCL. 170.

Desp. No. 386

From Embassy, Mexico, D.F.

The amendment does not attempt to define the terms which, presumably, would be in accord with the 1958 Geneva Conventions on the Law of the Sea. No change is proposed to Mexico's traditional stand that her territorial seas shall be, "to the extent and within the limits fixed by International Law."

FOR THE CHARGE D'AFFAIRES AD INTERIM:

*Gilbert E. Larsen*  
Gilbert E. Larsen  
Commercial Attaché.

Note: The newspaper "Excelsior" of October 6, 1959 reports that the Mexican Senate unanimously approved this amendment on October 5 with the following modifications:

## Article 42

II.- That of the islands including the reefs and keys in the adjacent seas.

IV.- The continental shelf and the submarine platforms of the islands, keys and reefs.

## Article 48

The islands, the keys and reefs of the seas adjacent to National Territory, the continental shelf, the submarine platforms of the islands, keys and reefs, the territorial seas, the interior maritime waters and the national air space belong directly to the Government of the Federation with the exception of those islands over which up to now the States have exercised jurisdiction.

UNCLASSIFIED

(Classification)

1  
Encl. No. 386  
Desp. No.  
From Embassy, Mexico, D.F.APPENDIX A.

SOLE ARTICLE.- Paragraphs 4 and 5 of Article 27 and Articles 42 and 48 of the Political Constitution of the United Mexican States are amended in order to remain in the following terms.

Article 27.- In the Nation is vested the direct ownership of all the natural resources of the continental shelf and the submarine platforms of the islands; all the minerals or substances which in veins, ledges, masses or ore-pockets form deposits of a nature distinct from that of the earth itself, such as the minerals from which are extracted metals and metaloids utilized in industry; deposits of precious stones, rock salt and the deposits of salt formed directly by marine waters; the products derived from the decomposition of rocks when their exploitation requires subterranean works; mineral and organic deposits of materials suited to be used as fertilizers; solid mineral fuels; petroleum and all solid, liquid or gaseous hydrocarbons.

To the nation belongs the territorial seas in the extent and within the limits that the International Law fixes; the interior maritime waters; those of the lagoons and estuaries that communicate permanently or intermittently with the sea; those of the interior lakes of natural formation that are directly connected to streams of constant flow; those of the rivers and their tributaries, direct or indirect, from the point in the river bed where their first permanent, intermittent or torrential waters begin to their discharge in the sea, lakes, lagoons or estuaries of national domain; those of the constant or intermittent streams and their direct or indirect tributaries when the beds of those in all their extent or in part serve as a boundary of national territory or of two federal entities or when they pass from one federal entity to another or cross the boundary line of the Republic; those of the lakes, lagoons or estuaries whose basins, zones or banks may be crossed by the boundary lines of two or more entities or between the Republic and a neighboring country or when the limit of the banks serve as boundary between two federal entities or between the Republic and a neighboring country; those of the springs that issue on the beaches, maritime zones, beds, basins or shores of the lakes, lagoons or estuaries of national domain and those that are extracted from the mines. Subsoil waters may be freely brought forth by means of artificial works and may be utilized by the owner of the land but when public interest demands or when other developments may be affected the Federal Executive may regulate its extraction and utilization and even establish closed zones the same as for the other waters of national domain. Any other waters not included in the above enumeration shall be considered as an integral part of the property of the lands through which they flow or in those in which they are deposited, but if they are located on two or more properties the utilization of these waters shall be considered of public utility and shall remain subject to the regulations that the States may issue.

Article 42.- The national territory comprises:

I.- That of the integrated parts of the federation.

UNCLASSIFIED

UNCLASSIFIED

(Classification)

Encl. No. <sup>2</sup>

Desp. No. 386

From AmEmbassy, Mexico, D.F.

II.- That of the islands including the adjacent reefs and keys in both seas.

III.- That of the Islands of Guadalupe and Revillagigedo located in the Pacific Ocean.

IV.- The continental shelf and the submarine platforms of the islands.

V.- The waters of the territorial seas, within the limits and to the extent fixed by International Law, and the interior maritime waters.

VI.- The national air space.

Article 48.- The islands, the keys and reefs of both seas that belong to national territory, the continental shelf, the submarine platforms of the islands, keys and reefs, the territorial seas, the interior maritime waters and the national air space belong directly to the Government of the Federation with the exception of those islands over which up to now the States have exercised jurisdiction.

#### TRANSITORY

SOLE.- The present amendment shall enter into force the day of its publication in the Diario Oficial of the Federation.

UNCLASSIFIED